Violence Against Women: Insult to Modesty

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Abstract: In Indian culture and society, women occupy an essential position and respected place. The different mythological books and Vedas have glorified women as the creator, the mother and one who always sacrifices her life and is worshipped as ‘Devi’ or ‘Goddess’. But the glorification of women was rather mythical as Indian women mostly find her totally dominated and suppressed in this patriarchal society. Indian women has always been oppressed and subjugated as society believes in clinging on to the orthodox beliefs. Violence and crime against women is the most insidious yet least recognized human rights abuse in the world. Violence against women in India among many communities goes unreported on regular basis. Presently, women are considered only as sex objects and they are treated inferior to men at different phases of life. In rural areas, women are tortured, wives are beaten, burnt, torture of unmarried women etc are some of the common phenomenon. Females are considered as a burden on family as huge sum of amount is required for their wedding. Girls are generally not allowed or encouraged to complete their education. There is high discrimination in male and female in education and the major reason for this is that people feel that girls should be confined to domestic household. The objective of this study is to discuss the different forms of violence against women in India. This article will investigate women’s condition and experiences in Indian society with legal interventions that address domestic violence, dowry related issues, rape and assault.


1. INTRODUCTION:

In present time women have become just a sex object and are considered inferior to men in different spheres of life. Still in many rural areas, torture on unmarried sisters, daughters, other female members of the family, wife beating are common issues faced by women. Female are considered as the burden on their family as huge amount of money is required for their marriage. Even girls are not allowed to take up elementary education. They are highly discriminated with men in the sphere of education. The major reason for such discrimination is that people think girls should be confined to the domestic work. The problems of crime against women in not new to the society. Women in Indian society have been ill-treated, humiliated, tortured and even exploited for a very long period of time. There are records which are replete with many incidents like rape, murder, abduction, torture of women etc. But unfortunately, female victims have not been paid much attention for their problem and women are still being continuously been ruthlessly being exploited in the society. The attitude of negligence for this kind of behavior can be attributed to the reasons like lack of awareness for the seriousness of the problem, acceptance of men’ superiority in the society, women not considering these serious issues as violence but taking it as their fate, denial of crime by women themselves due to their religious values and socio-cultural attitudes. There are many cases of rape, marital rape, dowry deaths, murder, abduction, wife-beating etc have been frequently reported since 1960s due to which this private issue has transformed into a public issue. There have been many research conducted on the issues of violence/crime/atrocities against women but has only focused on inter-personal relations. The social context in which atrocities are wreaked on women and violence is committed and in which these victims recovers and adjusts need to examined and evaluated with the sociological and legal perspective. In India female are ways ahead of women elsewhere when talked about the social legislation but the execution of laws that grant rights to women have been so slow, irregular, unbalanced, haphazard and lopsided that women lag from men socially, politically and economically. Through women have been a victim of many types of crime be it murder, rape, cheating etc, yet there are few crimes in which “Only Women” are victims and are characterized as ‘Crime Against Women’. Broadly, crimes against women are classified under two categories.

i) Crimes under the Indian Penal Code (IPC): It include Seven crimes; i) Rape (Sec. 376 IPC) ii) Kidnapping and Abduction (Sec. 363-373 IPC), iii) Dowry deaths (Sec. 304-B IPC), iv) Torture – Physical and mental (Sec. 498 IPC), v) Molestation (Sec 354 IPC), vi) Sexual harassment (Sec. 509IPC) and VII) Importation of girls (Sec.366-B IPC).

ii) Crimes under Special and Local Laws (SLL): Although all laws are not gender specific the provisions of law affecting women significantly have been reviewed periodically and amendments, carried out to keep pace with the emerging requirements.

Some Acts which have special provisions to safeguard women and their interests are:

I. The employees state insurance Act, 1948
II. The plantation labor Act, 1951
III. The family courts, act, 1954
IV. The special marriage Act, 1954
V. The Hindu Marriage Act, 1955
VI. The succession Act, 1956
VII. Immoral traffic (Prevention) Act, 1956
VIII. The maternity Benefit Act, 1961 (Amendment in 1995)
IX. Dowry Prohibition Act, 1961
X. The medical termination of pregnancy Act, 1971
XI. The contract labor (Regulation and Abolition) Act, 1976
XII. The equal Remuneration Act, 1976
XIII. The child marriage Restrainment (Amendment) Act, 1979
XIV. The criminal law (Amendment) Act, 1983
XV. The Factories (Amendment) Act, 1986
XVI. Indecent Representation of women (Prohibition Act, 1986
XVII. Commission of Sati (Prevention) Ac, 1987

It is necessary to clarify the concept of ‘Violence’ against women. If we consider “Violence” as “conduct which incurs the formal pronouncements of the moral condemnation of the community” or “deviation from conduct norms of the normative groups”, the scope of cases of ‘violence against women’ becomes too broad. Narrowly, the term ‘violence’ has been applied to “Physically striking and individual and causing injury” (Kempe 1982; Gil 1970), to “the act of striking a person with the intent of causing harm or injury but not actually causing it” (Gelles and Strauss 1979), to “acts where there is the high potential of causing injury” (Strauss,1980), and to “acts which may not involve actual hitting but may involve verbal abuse or psychological stress and suffering.” Megargee (1982: 85) has defined violence as the “overtly threatened or overtly accomplished application of force which results in the
injury or destruction of persons or their reputation”. While discussing the concept of ‘violence’ one may miss the very purpose of understanding broader aspects of the problem of “crime and violence against women”, violence must be recognized as human phenomenon in as much as it consists of an act of one another (Domenach, 1981:30) Here, we consider the operational definition of violence from the individual (the women) something that she does not want to give of her own free will and which causes her either physical injury or emotional trauma or both”. There are many issues like abduction, rape, murder (criminal violence) dowry death, wife beating, sexual abuse (domestic violence) forcing wife or daughter in law to go for feticide, eve-teasing, honor killing (social violence) that affect the large section of society. While analyzing issues of ‘violence against women’, it is important to focus on issues like extent and nature of crime against women in India. Also, after focusing on this it is important to identify women who are usually victims of violence and crime, what motivates the criminals to commit such type of violence against women, some measures should be taken which could contain the depersonalization trauma of the victims.

CRIMINAL VIOLENCE:

RAPE:
In India Rape, is one of the most common crimes against women and United Nations Human Rights chief has described rape as “National Problem”. India is a country where many rape cases goes unreported due to fear, anxiety and shock. But the willingness to report the rape has increased in past few years, after several incidents like a fatal gang rape of a student in New Delhi in 2012 received widespread media coverage and attention. This lead Indian Government to make some changes in their existing laws for crimes of rape and sexual assault.

TYPES OF RAPE:
Acquaintance rape: It is a rape which is committed by a person who knows a victim. For example, someone victim is classmate, dating, family member, co-worker, spouse, any close member etc. These types of rapes are less likely reported than stranger rape.
Statutory Rape: It is non-forcible sexual activity in which the victim is below the age of consent. Generally adults are engaged in sexual activity with minors under the age of consent.
Gang Rape: It is when a group of people participate in the rape of a single victim. Gang rape is sometimes referred to as “group rape”, “party rape”, or “multiple perpetrator rape”.

Before 3 February 2013, Section 375 of the Indian Penal Code defined rape as:
375. Rape. A man is said to commit "rape" who, except case hereinafter excepted, has sexual intercourse with a woman. After 3 February 2013, the definition was revised through the Criminal Law (Amendment) Act 2013, which also rose the legal age of minor to eighteen.
375. A man is said to commit "rape" if he:— (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person.

ABDUCTION:
Abduction means taking away a minor- a female who is less than 18 years or a male who is less than 16 years, without the consent of any lawful guardian. Abduction (Under section 363 of IPC) is forcibly, fraudulently or deceitfully taking away a woman with the intent of seducing her to illicit sex or compelling her to marry a person against her will. Thus we can say that ‘abduction’ differs from ‘kidnapping’. Kidnapping is committed only in respect of minor while abduction is committed in respect of any person. Therefore, any girl who is above 18 years is abducted not kidnapped but if she is below 18 years she could be both kidnapped and abducted. In India cases of kidnapping and abducting are increasing rapidly. There have been sporadic reports that the poor girls are being abducted and are sold to Arabs as their wives or to pimps as potential prostitutes. There are large numbers of liaison men who are operating in big cities as a broker. Due to which the sale of unsuspected innocent and poor girls/women/children that are brought from tribal areas and villages for feeding the big metropolises have increased.

MURDER:
Homicide or murder is mainly considered as a masculine crime. There is no data available which states that the murderers are sex related. It is a well known fact that the male homicides are more than female victims. The women murder is related to many issues like petty quarrels, illicit relationship, the desire to get rid of a person who may be a partner in the existing property, feeling of revenge etc. Out of these many murder cases are disguised as suicides and some are names as ‘accidents’. In some of the murder cases of women the victim is considered as one of the major cause for the criminal offence. She precipitates this crime either by her illegal or unlawful relations with other male, constantly nagging habit, ignorance or irresponsible behavior towards husband or in-laws and so forth. The victim may provoke a criminal to attack which may result into homicide. Due to rising number of murder cases and other crimes against women, women’s organizations have stimulated. Now women have realized that individual protest will not help them to overcome such kind of criminal offences they need to have a collective effort against such violence. Indian Government has also made many efforts by amending laws pertaining to family and marriage of women and violence against women, what so ever. While discussing the concept of ‘violence’ one may miss the very purpose of understanding broader aspects of the problem of “crime and violence against women”, violence must be recognized as human phenomenon in as much as it consists of an act of one another (Domenach, 1981:30) Here, we consider the operational definition of violence from the individual (the women) something that she does not want to give of her own free will and which causes her either physical injury or emotional trauma or both”. There are many issues like abduction, rape, murder (criminal violence) dowry death, wife beating, sexual abuse (domestic violence) forcing wife or daughter in law to go for feticide, eve-teasing, honor killing (social violence) that affect the large section of society. While analyzing issues of ‘violence against women’, it is important to focus on issues like extent and nature of crime against women in India. Also, after focusing on this it is important to identify women who are usually victims of violence and crime, what motivates the criminals to commit such type of violence against women, some measures should be taken which could contain the depersonalization trauma of the victims.

DOMESTIC VIOLENCE:
DOWRY DEATH:
The Dowry Prohibition Act, 1961 has banned the practice of dowry in India, but in actuality all the efforts that were done after making this law still this problem exists. In rare cases we hear that the in-laws or the husband is being sued for taking
Dowry. As the cases of dowry has increased so the cases of dowry deaths has escalated in recent years. According to the Dowry Prohibition Act, 1961, dowry is a bailable and non-cognizable offence and ceases to be recognized if demands are made or met one year after marriage. Most of the dowry deaths in India occur within the husband’s house in presence of the family members. Therefore, courts also admit that they can’t convict anyone due to lack of proof. Also, sometimes police personal take these investigations casually that even courts questions efficiency and integrity of police authorities. There are many dowry deaths that go unreported; the cases which are reported are more than enough to unnerve our society. These incidents have their origin through economic, social and psychological factors, that are deep-rooted which can’t be only tackled by amending the laws. The onset of such deaths actually lies in the tension that is created by constant demand which is accompanied by torture, harassment for dowry. The aggressiveness that is increasing constantly by conflict to demands, increasing greed for money and the ease for people who think weaken sex can be exploited easily all these combine together and gives courage to the family members to take bride’s life so easily.

**WIFE-BATTERING:**
Violence against women when it is discussed in context of marriage becomes more important as when a husband who is supposed to support, protect and love her wife, beats her. For a woman it becomes a shattering experience when a person who she trusted the most batters her. Wife-battering violence has no limit it can range from just a usual slap to breaking bones, physical abuse and torture to, attempt to murder and sometimes murder also. Sometimes it is considered that the husband might be drunk or he physically abused but not always. The other reasons that are considered for this may be unusual demand for sex, extravagance; refusal for husband’s command, using disgusting language, habit of using vile etc. all this can lead to frequent or occasional battering. Battering can be once or twice in a week, month or year. Some husband may keep their wife as prisoners, control their every movement; this can begin soon after the marriage or in some cases this begins one or two years after marriage. In India, it is rarely heard that wife reports to the police for having being battered by her husband. Women in India suffer all this humiliation in silence and consider this as her destiny. If a woman wants to take any step against this she can’t because of the fear that her own family/parents will not accept her after marriage. Wife-battering is not limited to poor or illiterate people but even highly educated and rich people also torture their wives. Independent women even face similar violence. As wife-battering is obscured from the public it is very difficult to estimate the extent of this in society. There is a great need to create awareness among women so that they can take stand for violence against them.

**SOCIAL VIOLENCE:**

**EVE-TEASING:**
Eve teasing or sexual harassment is a term used for public harassment or sexual harassment of women by men. This crime is increasing in India. This issue is related to delinquency in youngsters, it is a kind of sexual aggression. This type of aggressive behavior can range in cruelty from sexually evocative remarks, catcalls to groping. Teasing women in public place, passing comments, troubling or harassing purposely all this is called ‘eve-teasing’. Usually eve teasing occurs in public places or public transports. Some portrayal in Indian Cinema shows mild teasing which begins with flirtatious comments accompanied by a song and dance routine in which ultimately female actor is portrayed as submissive and surrenders her in front of male actor. These kind of young men are called as Roadside Romeo. Also it is considered that the clothing style of a woman attracts a man to tease her and during this episode of teasing an actor will come and save the girl. There is no such law for eve-teasing in India and this term is also not constituted in India Penal Code, while if any men is found guilty for making a woman or a girl the target of obscene gesture, songs, remarks is marked under Section 294 of IPC and is sentenced for three months. Under section 292 of IPC states that showing pornographic or obscene pictures, papers or books to a girl or a woman can result in a fine of 2000 with two years of imprisonment for first offender and if this is repeated the offender is fined for 5000 with five years of imprisonment.

**FEMALE FETICIDE:**
Women in all over world are murdered but in India female undergoes a most brutal form of killing regularly before they are born. Female feticide is selective abortion of female fetuses. There are approximately more than one million cases in India every year with far ranging and tragic consequences of female feticide. Due to this in some areas, the sex ratio of female over male has dropped to less than 8000:1000. In India female are not only unequal in culture but also are denied from the right to be born. Abortion of female fetuses in socially and
practically acceptable in India. There are many factors due to which this female feticide takes place but one of the most important or the prime reason for this feticide is dowry which has to be paid to the bridegroom of the daughter. Daughters in India are still considered as the economic and social burden as the son will give security to the family and will perform all the rites for the souls of deceased ancestors and parents. Prenatal sex determination technology has been misused which allow the selective abortion of only female fetuses. Though female infanticide is an old practice in India and this female feticide in a new practice which is being practiced in many parts of the country which has actually emerged due to the technological advancement of pre natal sex determination. Although abortion is legal in India but only in the case of medical issue and termination of pregnancy just because the fetus is female in not acceptable under law. There are few strict laws and penalties for thee violators. The impact of India n law on female feticide and its enforcement in not clear. There are many schemes and policies which are being run by Indian government for girl child. The Ministry of Health and Family Welfare of India is targeting education and media to reach medical professional and clinics in order to increase awareness. The Indian Medical Association (IMA) has taken efforts to prevent pre natal sex determination. The government is supporting the initiatives that are being taken to reduce the sex discrimination.

HONOR KILLING:
Honor Killing means the killing of a relative, especially a girl or woman, who is perceived to have brought dishonor on the family. Human Rights Watch define “honor killing” as “an act of vengeance, usually death, committed by family members against female family members, who are held to have brought dishonor upon the family. A woman can be targeted by(individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of sexual assault, seeking a divorce—even from abusive husband—or (allegedly) committing adultery. The mere perception that a woman has behaved in a way that “dishonors” her family is sufficient to trigger an attack on her life.” Honor killing is repeatedly being reported from the parts of Northern India mainly from the states of Punjab, Haryana, Rajasthan and Uttar Pradesh. Mostly the reason for honor killing is a girl marrying without the consent of parents or even sometimes due to inter caste marriage or inter religion marriage. Haryana is the most notorious state for the incidents of honor killing. Honor killing is described as “Chillingly common in villages of Haryana”. On the other hand honor killing is rare to non-existence in southern parts of India and western Indian states like Maharashatra and Gujarat. In West Bengal honor killing is completely ceased about a century ago. In 2010 Supreme Court issued the notice for honor killing to the states of Bihar, Haryana, Himachal Pradesh, Jharkhand, Punjab, Rajasthan, Madhya Pradesh and Uttar Pradesh. It is not always that a woman is being targeted for honor killing sometime man can also be a target of honor killing. They can be a victim by the members of the family of a woman with whom they might be in an inappropriate relationship or even sometimes involving in homosexual activities. In few of the cases of honor killing that were brought to German courts the charges of the murder were brought down to manslaughter. This has been termed as “Honor Defence”.

CONSTITUTIONAL PROVISIONS FOR WOMEN:
Article 14, confers on men and women equal rights and opportunities in political, economic and social sphere.
Article 15, prohibits, discrimination against any citizen on grounds of religion, race, caste, sex etc.
Article 16, provides for equality of opportunities matters relating to employment or appointment to any office under the state.
Article 39(a) (d), mentions policy security of state equality for both men and women the right to a means of livelihood and equal pay for equal work for both men and women.
Article 42, Direct the State to make provision for ensuring just and humane conditions of work and maternity relief.

LEGAL PROVISIONS FOR WOMEN:
Factories Act 1948: Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M. Maternity Benefit Act 1961: A Woman is entitled 12 weeks’ maternity leave with full wages. The Dowry Prohibition Act, 1961: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence. The Equal Remuneration Act of 1976: This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment. The Child Marriage Restrain Act of 1976: This act raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years. Indian Penal Code: Section 354 and 509 safeguards the interests of women. The Medical Termination of Pregnancy Act of 1971: The Act safeguards women from unnecessary and compulsory abortions. Amendments to Criminal Law 1983, which provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases. 73rd and 74th Constitutional Amendment Act: reserved 1/3rd seats in Panchayat and Urban Local Bodies for women. The National Commission for Women Act, 1990: The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women. The Protection of Human Rights Act, 1993Protection of Women from Domestic Violence Act, 2005: This Act protects women from any act/conduct/omission/commission that harms, injures or potential to harm is to be considered as domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse. Protection of Women against Sexual Harassment at Workplace Bill, 2010: on November 4, 2010, the Government introduced protection of Women Against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at workplace not only to women employee but also to female clients, customer, students, research scholars in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

CONCLUSION:
The primary aim of this research was to explore the patterns and nature of violence against women in India and also to analyze the characteristics of the crimes, the criminals and the victims. The objective of this study was not on the psychosomatic dynamics of any individual offenders but on the modus operandi and the situations in which these crimes occurred. This study concluded that violence is more common to the woman who belongs to patriarchal or traditional family.
As it was seen that most of the criminal cases against women appear who lack in financial resources and have no alternative protection. Mostly victims are those women who lack confidence, have poor self-image and have a feeling of helplessness. Violence against women is actually not a result of provoking behavior by them but the result of offender’s learned behavioral responses. The perpetrator or the offenders are not the alcoholic or any kind of psychopath who come from any disorganized family but are the normal male. In many cases it was seen that the reactions of family members for the violence is insensitive rather sympathetic also police personals generally behave indifferent and negative rather than being helpful and cooperative with the victims. As the process of recovery for the victim from the shock and trauma that she is going completely depends on her personality and the environment she is living and working. The victims of violence in Indian culture do not require any kind of professional counseling but they actually need some supportive member(s) who can listen to them patiently without judging them and sympathize them and help them in standing strong in psychological, legal and social problems.

**There are few measures that can be taken to depersonalize the trauma of victim:**

1. Strengthening free legal aid societies.
2. Effective functioning of family courts and family counseling services
3. Redefining patriarchal norms and removing gender bias
4. Change in women’s values and the thinking of their parents
5. Strengthening women organizations
6. Adopting humanistic approach to victims

**REFERENCES**


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